

SENATE BILL 301

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M2

2003 Regular Session  
(3r1180)

**ENROLLED BILL**

-- Education, Health, and Environmental Affairs/Environmental Matters --

Introduced by **Senators Stoltzfus and ~~Frosh~~, Frosh, and Dyson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources - Maryland Provisional Chesapeake Bay Charter Boat**  
3 **Permit**

4 FOR the purpose of requiring the Department of Natural Resources to establish a  
5 Maryland Provisional Chesapeake Bay Charter Boat Permit; authorizing the  
6 Department to issue a charter boat permit under certain circumstances;  
7 providing that the permit is valid under certain circumstances and  
8 nontransferable; providing that a person in possession of a permit is not  
9 required to possess a certain commercial fishing guide license; requiring a  
10 person operating a charter boat to possess certain federal and state licenses and  
11 permits; providing for the application of certain penalties; authorizing the  
12 Department to adopt certain regulations; defining a certain term; and generally  
13 relating to establishing a Maryland Provisional Chesapeake Bay Charter Boat  
14 Permit.

15 BY repealing and reenacting, with amendments,  
16 Article - Natural Resources

1 Section 4-210(a)  
2 Annotated Code of Maryland  
3 (2000 Replacement Volume and 2002 Supplement)

4 BY adding to  
5 Article - Natural Resources  
6 Section 4-210.2  
7 Annotated Code of Maryland  
8 (2000 Replacement Volume and 2002 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Natural Resources**

12 4-210.

13 (a) Except for a person employed to operate a vessel for a master fishing guide  
14 under § 4-701(o) OR A PERSON PERMITTED TO OPERATE A CHARTER BOAT UNDER §  
15 4-210.2, any person who desires to accept direct or indirect consideration for providing  
16 services as a fishing guide shall obtain a license.

17 4-210.2.

18 (A) IN THIS SECTION, "PERMIT" MEANS A MARYLAND PROVISIONAL  
19 CHESAPEAKE BAY CHARTER BOAT PERMIT.

20 (B) THE DEPARTMENT SHALL ESTABLISH A MARYLAND PROVISIONAL  
21 CHESAPEAKE BAY CHARTER BOAT PERMIT.

22 (C) THE DEPARTMENT MAY ISSUE A PERMIT IF THE PERSON:

23 (1) IS LICENSED BY VIRGINIA ~~OR THE POTOMAC RIVER FISHERIES~~  
24 ~~COMMISSION~~ TO OPERATE A CHARTER BOAT IN ~~THEIR~~ ITS JURISDICTIONAL TIDAL  
25 WATERS; AND

26 (2) PROVIDES THE DEPARTMENT WITH DOCUMENTATION OF FISHING  
27 ACTIVITY FOR 2001 AND 2002 BASED UPON LICENSING AND REPORTING  
28 REQUIREMENTS OF THE VIRGINIA MARINE RESOURCES COMMISSION ~~OR THE~~  
29 ~~POTOMAC RIVER FISHERIES COMMISSION.~~

30 (D) A PERMIT ISSUED BY THE DEPARTMENT:

31 (1) IS VALID ONLY FOR AN AUTHORIZED PERSON OPERATING A VESSEL  
32 FOR CHARTER FISHING TRIPS ORIGINATING FROM THE TIDAL WATERS OF VIRGINIA  
33 ~~OR THE POTOMAC RIVER;~~ AND

34 (2) IS NONTRANSFERABLE.

1 (E) A PERSON IN POSSESSION OF A PERMIT IS NOT REQUIRED TO POSSESS A  
2 MARYLAND COMMERCIAL FISHING GUIDE LICENSE UNDER § 4-210 OF THIS SUBTITLE  
3 TO OPERATE A CHARTER BOAT IN TIDAL WATERS OF THE CHESAPEAKE BAY IN  
4 MARYLAND.

5 (F) A PERSON OPERATING A CHARTER BOAT UNDER THE PROVISIONS OF THIS  
6 SECTION ~~MUST~~ SHALL HAVE ALL APPROPRIATE FEDERAL AND STATE LICENSES AND  
7 THE REQUIRED PERMIT IN POSSESSION WHENEVER OPERATING A CHARTER BOAT.

8 (G) THE HOLDER OF A PERMIT ISSUED UNDER THIS SECTION IS SUBJECT TO  
9 THE PENALTIES UNDER SUBTITLE 12 OF THIS TITLE.

10 (H) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO  
11 IMPLEMENT THIS SECTION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2003.